

III. REMARKS

1. Claims 1-5 and 8-26 remain in the application. Claims 6 and 7 were previously cancelled without prejudice. Claims 1-5, 8-23, 25, and 26 have been amended.

2. Claims 1 and 26 as amended are definite and meet the requirements of the second paragraph of 35 USC 112.

Claim 1 is directed to a user device that provides key and validity information, received from a service provider, to an access device through a wireless communication link. The key and validity information allow the access device to determine without any connection to a central control element associated with the service provider whether or not to provide access.

Claim 26 is directed to a wireless communication device for accessing a service via an access device. The wireless communication device has processing circuitry for providing a key, received from a service provider, to the access device via an antenna, and the access device is able to determine without any connection to a central control element associated with the service provider whether the key is valid.

In each claim the central control element is defined as being associated with a service provider.

Applicants respectfully submit that the central control element is adequately described in the specification. Page 11, line 30 through page 12, at least line 9 explains various reasons why there is no need to connect Bluetooth

devices to a central control element and further states that "the need for additional infrastructure connecting the Bluetooth devices can be avoided."

In addition, the test for definiteness under 35 U.S.C. 112, second paragraph is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." MPEP 2173.02 quoting *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, (Fed. Cir. 1986).

It is well known in general that a number of devices may be connected together to a central control unit, for example, computers may be connected to server using an Ethernet network.

It is also well known that in Bluetooth communication, one device provides a synchronization reference and is known as the master and the other device is called the slave. It is also known that a Bluetooth radio channel may be shared by a group of devices that are synchronized to a common clock and frequency hopping pattern by the master. Such a group of synchronized Bluetooth devices is called a piconet (see <http://www.bluetooth.com/Bluetooth/Learn/Works/>).

When reading the specification the concept of connecting a number of Bluetooth devices to a "central control element," and the advantages of not having to would clearly be understood by one skilled in the art .

Applying the test, that is, reading the claims in light of the specification, it is clear that one skilled in the art would readily understand that a user device or a wireless

communication device may provide key and validity information to an access device, and that the access device may verify the key and information and allow or disallow access "without any connection to a central control element associated with a service provider."

Therefore, independent claims 1 and 26 and dependent claims 2-5 and 8-22 are definite and particularly point out and distinctly claim the subject matter of the present invention.

3. Claims 1-5 and 8-26 are not anticipated by Wang (US 6,175,922) under 35 U.S.C. 102(e).

3.1 Wang fails to disclose or suggest a user device arranged to establish a wireless communication link for providing key and said validity information to an access device where the key and validity information allow the access device to determine without any connection to a central control element associated with the service provider whether or not to provide access, as recited by claims 1 and 26.

In Wang, the access device requires a connection to a central control element associated with the service provider to determine whether or not to provide access.

Applicants respectfully disagree with the Examiner's comment that "the lock on the door does not need to be able to connect with the Internet directly." Applicants have been unable to find any disclosure in Wang that states this. To the contrary, Applicants find in Column 19, lines 4-15:

when the service is rendered, a service authorization token is to be presented over the point of service (example, hotel room door, airport boarding gate, or theater entrance, Supermarket check-out counter or rental car etc.) through the wireless network and Internet; (6) if the service authorization token has been validated at the point of service (e.g. decrypting the token using the Merchant's public key successfully) then, the Merchant can authorize the service (e.g. to open the hotel room, to permit the boarding at the airport gate, to admit entering the theater, to discount the transaction amount, to ignite a car, etc.)

(Emphasis added)

This section refers to the embodiments shown in Figures 9A and 9B and refers to presenting an authorization token to the Merchant through the wireless network and Internet, the Merchant decrypting the token, and then authorizing service. There is no indication that this happens at the door lock.

At least for these reasons, Wang fails to disclose or suggest providing key and validity information that allows an access device to determine whether or not to provide access without any connection to a central control element associated with a service provider.

Therefore, Wang does not anticipate independent claims 1 and 26 and dependent claims 2-5, 8-22, and 25.

3.2 Wang fails to disclose or suggest receiving at a user device, via a first wireless communication link, a key and time related information specifying a time period for which said key is valid; providing from the user device to the access device the key and time related information

specifying a time period for which the key is valid; and checking at the access device if the key and time related information are valid and if so providing access, as recited by claim 23.

Applicants find no explicit reference to these features anywhere in Wang.

Applicants respectfully disagree with the Examiner's statement that Wand specifies a time for which a key is valid.

Applicants understand that the claims were rejected over the entire reference and responded by stating that "Applicants find no explicit reference to these features anywhere in Wang." A careful reading of the entire Wang patent finds nothing related to receiving a key and time related information specifying a time period for which the key is valid, or any other features of claim 23. Wang discloses making hotel, airline, and theater reservations but does not disclose receiving at a user device, a key and time related information specifying a time period for which the key is valid, and does not disclose checking if the key and time related information are valid at the access device.

A rejection based on inherency must include a rationale or evidence tending to show inherency.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency. ... To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the

reference.... (MPEP 2112 quoting *In re Rijckaert*, 9 F.3d 1531, 1534, (Fed. Cir. 1993), and *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App.& Inter. 1990), emphasis in originals).

Applicants respectfully submit that because providing a key and time related information specifying a time period for which the key is valid is not necessarily part of Wang, these features of the claims are not inherent in the cited reference.

At least for these reasons, Wang does not anticipate independent claim 23 and dependent claim 24.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$910.00 is enclosed for a one (1) month extension of time and for the RCE fee.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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